

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF VIRGINIA CRIMINAL MINUTES - TRIAL

Case No. 3:07CR00001

At Charlottesville

Date 10/2/07

PRESENT: HON Norman K. Moon, JUDGEHeidi N. Wheeler
Deputy ClerkSonia Ferris
Court ReporterWilliam Gould
Asst. U.S. Attorney

U.S.A. v. (DEFENDANTS LISTED BELOW)

(1) Kevin Alfred Strom☒ present ☒ custody ☐ bond ☐ O/R

(2)

☐ present ☐ custody ☐ bond ☐ O/R

(3)

☐ present ☐ custody ☐ bond ☐ O/R

(4)

☐ present ☐ custody ☐ bond ☐ O/R

ATTORNEYS FOR DEFENDANTS

(1) Andrea Harris☒ present ☒ apptd. ☐ retained(2) Fred Hebllich (argues motion 10/3/07)☐ present ☐ apptd. ☐ retained

(3)

☐ present ☐ apptd. ☐ retained

(4)

☐ present ☐ apptd. ☐ retained☐ Case called and continued to ☐ for trial.☒ JURY TRIAL. The Jury impaneled and sworn (see attached list) ☐ COURT TRIAL☒ Introduction of evidence for Government begun ☒ concluded; ☒ 10/3/07☒ Motion for judgment of acquittal ☒ granted ☐ denied ☐ under advisement☐ Introduction of evidence for defendant begun, ☐ concluded;☐ Motion for judgment of acquittal renewed ☐ granted ☐ denied ☐ under advisement☐ Rebuttal evidence; ☐ Surrebuttal evidence; ☐ Evidence concluded☐ Case continued to ☐ for further trial☐ Closing Arguments ☐ Jury charged by court☐ Jury retires to deliberate at ☐ jury returns at ☐☐ JURY VERDICT. (See signed verdict as to each defendant. ☐ FINDING BY COURT.(1) Defendant ☐(2) Defendant ☐(3) Defendant ☐(4) Defendant ☐☐ Jury polled.☐ Polling waived.☐ Mistrial declared.☐ Jury discharged.☐ Motion after verdict.JUDGMENT: ☐ Defendant guilty ☐ Defendant not guilty☐ Court received Presentence Report.☐ Copy of Presentence Report not requested.☐ A copy of same was furnished to counsel pursuant to Rule 32 F.R.C.P.☐ Defendant to remain on bond.☒ Defendant remanded to custody.☐ Court orders presentence report.☒ Case continued until Second trial date in January 2008 at ☐ for sentencing.☐ SENTENCE IMPOSEDHNW Initials of Deputy Clerk

DAY ONE 10/2/07 Deputy Clerk Heidi Wheeler Probation Officer David Bean 9:34-11:14=1 hr 40 min 1:23-2:55= 1 hr 33 min
3:17-4:50= 1 hr 33 min Total 4 hrs. 46 min.

Jury selection begun. Court give preliminary instructions to jury during strikes. Jury empaneled and sworn at 11:14. Court will take recess and take up motions. (see motions min. sheet) Court calls jury back and will allow them to take their lunch break due to amount of time taken up with motions. Jury in the box at 1:23 for opening statements. Motion to exclude witnesses by defense. Court grants motion. Plaintiff's evidence begins. Court takes afternoon break at 2:55 PM. Court adjourns for day at 4:50. Jury to report at 9:30 a.m.

DAY TWO 10/3/07 Deputy Clerk Heidi Wheeler Probation Officer 9:18-9:28= 10 min 9:34-10:38 = 1 hr 4 min 11:00-11:33= 33 min
11:39-12:31 =52 min Total 2 hrs 41 min

Hearing out of presence of jury as to certain documents. Court will allow exhibits. Certain statements now argued. Court will allow those statements as to those specific areas.

Jury in box and Government's evidence continues at 9:34 a.m. Government rests at 11:33 am. Defense has motion. Court will take brief recess before motion. Motion pursuant to Rule 29 to dismiss both counts of the indictment argued by Mr. Heblich. Mr. Gould responds. Lengthy arguments heard. Remarks by Court. Court will grant the motion. Court will call the jury back in and explain the case to them. Court adjourns.